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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

DOCKETED

COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

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JUN 17 2010

ARIZONA CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
ATX LICENSING, INC. FOR A CERTIFICATE
OF CONVENIENCE AND NECESSITY TO
PROVIDE RESOLD LONG DISTANCE
TELECOMMUNICATIONS SERVICES.

DOCKET NO. T-04310A-05-0127

PROCEDURAL ORDER

BY THE COMMISSION:

On February 28, 2005, ATX Licensing, Inc. ("Applicant" or "ATX") submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide resold long distance telecommunications services within the State of Arizona.

On March 2, 2005, the Commission's Utilities Division Staff ("Staff") filed a Letter of Insufficiency and its First Set of Data Requests in this docket.

On March 28, 2005, Applicant filed a response to Staff's First Set of Data Requests.

On March 30, 2005, Applicant filed an Affidavit of Publication showing notice of the application had been published in the *Arizona Republic* on March 23, 2005.

On April 8, 2005, Applicant filed supplemental responses to Staff's First Set of Data Requests.

On April 13, 2005, Applicant filed customer complaint information which had been requested by Staff in an informal data request.

On April 27, 2005, Applicant filed a letter informing the Commission that ATX, its shareholders; its parent company, ATX Communications, Inc.; and its affiliates emerged from bankruptcy after the Applicant entered into a merger agreement with Broadview Networks Holding, Inc. ("BNHI").

No filings were made in this docket between April 27, 2005 and June 26, 2006.

1 On June 26, 2006, Staff filed a Letter of Insufficiency and Second Set of Data Requests.

2 On July 26, 2006, ATX filed responses to Staff's Second Set of Data Requests.

3 No filings were made in this docket between July 26, 2006 and June 7, 2007.

4 On June 7, 2007, Applicant filed financial statements for BNHI for the year ending December
5 31, 2006.

6 No filings were made in this docket between June 7, 2007 and June 16, 2008.

7 On June 16, 2008, a Procedural Order was issued directing Staff to file an update on the status
8 of this case.

9 On August 18, 2008, Staff filed an update on ATX's application, stating BNHI had entered
10 into a merger agreement with the Applicant, which became effective in September 2006. Staff noted
11 that ATX's application has not been updated to reflect that its ownership has changed and that ATX
12 should be required to amend its application to reflect any and all changes relating to the merger with
13 BNHI. Staff further stated that upon completion of discovery, Staff would prepare a Staff Report in
14 this matter.

15 On September 23, 2008, by Procedural Order, the Company was directed to amend its
16 application on or before December 31, 2008, in accordance with Staff's conditions.

17 On May 13, 2010, ATX filed a request to withdraw its application.

18 On May 29, 2010, ATX filed a statement verifying that ATX does not have any customers or
19 provide telecommunications services in Arizona.

20 On June 2, 2010, Staff filed a response to ATX's request to withdraw its application. Staff
21 has no objection to ATX's request to withdraw its application for a CC&N and Staff recommends
22 administrative closure of this docket.

23 Based on the information provided by the Applicant and Staff, administrative closure of the
24 above referenced docket is reasonable.

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1 IT IS THEREFORE ORDERED that ATX Licensing, Inc's request to withdraw its
2 application for Certificate of Convenience and Necessity to provide resold long distance
3 telecommunications service in Arizona is hereby granted.

4 IT IS FURTHER ORDERED that **Docket No. T-04310A-05-0127 shall be administratively**
5 **closed.**

6 DATED this 17th day of June, 2010.

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10 YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

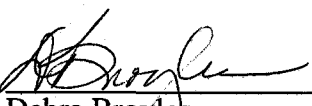
11 Copies of the foregoing mailed/delivered
12 this 17th day of June, 2010 to:

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26 Debra Broyles
27 Secretary to Yvette B. Kinsey
28